

REMARKS

Claims 1, 7, 9, 13, 14 and 19-21 are in this application and are presented for consideration. By this amendment, Applicant has amended claims 1, 7, 13 and 19.

Claims 1 and 9 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claim 1 paying close attention to the Examiner's remarks. Applicant wishes to thank the Examiner for the careful review of the claims. It is Applicant's position that the claims as now presented are clear and fully comply with the requirements of the statute.

Claims 1,7, 9, 13, 14 and 19-21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2,550,170 (hereinafter "FR '170") in view of Snow (U.S. 4,241,627).

The present invention relates to a tool for facilitating breakage of the neck of a glass vial and protecting the operator from injury to the fingers. The tool includes a piece of cardboard and protecting the operator from injury to the fingers. The tool includes a piece of cardboard that is folded to form box structure. The piece of cardboard includes a cardboard portion that has one or more detachable tools. The tool is a cardboard element. The cardboard portion is movable from a location within the box structure to a position located outside of the box structure. Each tool can be detached when the cardboard portion is located outside of the box structure. Once the cardboard element is detached, the cardboard element has finger engaging portions that are folded along a transverse fold line, which is adjacent to an opening for receiving a neck of a glass vial. The neck of the glass vial is inserted into the opening and a user

applies a force to the folded finger engaging portions such that the neck of the glass vial breaks. This advantageously provides detachable tools that can be made from a single sheet of cardboard. This advantageously allows the same technology that makes normal cardboard boxes to be used to manufacture the present invention. The fact that the strips fold out from the box is significant in the present invention because it advantageously allows the strips to be easily detached so that the strips can be applied to break off the neck of the glass vials without injury to a user's hand or fingers. The prior art as a whole fails to disclose such features or such easy tool accessibility advantages.

FR '170 discloses a package for phials 300 with divisible ends 310 comprising a box 100 provided with an opening face 101 in which is placed a rack 200. The package comprises several detachable parts 420 which can be detached in order to be used as gripping elements for the ends 310 of the phials to be broken. The detachable parts comprise two regions which can be brought together, connected by a folding line 410 and between which the end 301 of the phial to be broken can be grasped.

FR '170 fails to teach and fails to suggest the combination of a piece of cardboard that is folded to form a box structure wherein the piece of cardboard includes a cardboard portion that has at least one detachable cardboard element for removing a neck of a glass vial. At most, FR '170 discloses a box 100 that has an opening face 101 in which is placed a rack 200. The rack 200 of FR '170 fails to be formed of the same material that forms the walls of the box as claimed. The fact that the cardboard box of the present invention is made from one piece of cardboard is significant in the present invention because it advantageously allows the same

manufacturing technology that is used to produce conventional cardboard boxes to be applied to make the present invention. This advantageously saves manufacturing costs as separate machinery does not need to be purchased to produce the present invention. FR '170 fails to disclose such manufacturing cost saving advantages since FR '170 discloses that the rack 200 is not formed by folding a piece of cardboard as claimed. In fact, FR '170 is void of any suggestion or teaching of a detachable cardboard element that has a hole for receiving a neck of a glass vial as claimed. As such, the prior art as a whole takes a different approach and fails to establish a prima facie case of obviousness as the cited references fail to disclose important features of the claimed combination.

Snow discloses a hand tool 10 that is formed or otherwise shaped in one-piece, essentially rigid body structure and is fabricated from stainless steel or other metal, plastic or corrosion-resistant material capable of imparting structural rigidity and durability to the tool. The hand tool is of sufficiently small size to conveniently fit within the grasp of the thumb and finger of one hand of the user and thereby permit the container to be held in proper position in the tool by the user's remaining free hand. The hand tool includes a pair of elongated, protective finger grips 18 and 19 that are arranged in side by side relationship stretching between interspaced forward end portions 20 and 21 and convergently curved rearward end portions merging integrally together to provide an arcuate bight section 23. The finger grips 18 and 19 together with the bight section cooperate to define a generally U-shaped central recess, as at 24, within which, to insertably receive the removable end 14 of an unopened container 11. A forward end portion 21 of the finger grip 19 includes a flange 25 projecting

laterally therefrom and presenting a relatively narrow edge surface 26 extending transversely across and partially restricting the mouth of the central recess 24. To assist in retaining the container 11 with the removable end 14 thereof in centrally positioned relationship within the central recess 24, the edge surface 26 of the flange 25 is shaped to define a central pocket, at 27, in which to position the container 11. The other finger grip 18 is shaped to diverge laterally away from the finger grip 19 in a direction approaching the forward end portion 20 thereof and to impart an additional safeguard against finger laceration during opening of a container, the forward end portion 20 of the finger grip 18 is flared outwardly relative to the central recess 24 to provide a protective finger stop 31. The underside of the finger grip 18 borders one side of the central recess 24 and provides a bearing surface 29 which is deployed to face the removable end 14 of the container 11 when the container neck 16 is seated in the central pocket 27 provided in the narrow edge surface 26 of the flange 25 on the opposite finger grip 19.

Snow fails to provide any teaching or suggestion for the combination of a piece of cardboard that is folded to form a box structure wherein the piece of cardboard includes a cardboard portion integrally connected thereto that includes at least one cardboard strip tool. Snow discloses a hand tool that includes a pair of elongated, protective finger grips 18 and 19 that are arranged in side by side relationship stretching between interspaced forward end portions 20 and 21. However, the hand tool of Snow does not have a cardboard tool that is detachable from a cardboard portion of a piece of cardboard that is folded into a box structure as claimed. In fact, there is absolutely no suggestion of using the teachings of Snow to modify the package of FR '170. The device of Snow cannot be made of cardboard. Snow teaches that

it is critical that the tool be made of a rigid sheet of metal because the force required to break the vial is exerted by pressing with the finger against the upper end portion 20 of the device 10. This must be sufficiently rigid to cause the vial to break under the flexural force. If the tool of Snow were made of cardboard, it simply would not function. As such, a person of ordinary skill in the art would not look to the teachings of Snow to modify the structure of FR '170. Further, Snow fails to teach or suggest a cardboard strip that has a hole for receiving a neck of a glass vial. Snow merely discloses that the hand tool merely receives an end tip 15A of a vial. In contrast to Snow, the hole of the cardboard strip of the present invention receives the neck of the vial before breaking the neck by pinching the cardboard strips with two fingers. Compared with the present invention, Snow merely discloses a hole that receives one end of a vial and not the neck of the vial as claimed. As such, the prior art as a whole fails to establish a prima facie case of obviousness as the cited prior art references do not disclose essential features of the claimed combination. Accordingly, Applicant respectfully requests that the Examiner favorably consider claims 1, 7, 13 and 19 as now presented and all claims that respectively depend thereon.

Favorable consideration on the merits is requested.

Respectfully submitted
for Applicant,



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Attached: Petition for Two Month Extension of Time

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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
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